

The Regulation on Commercial Trawl and Purse Seine in the Philippines

FELIX R. GONZALES

Director

Bureau of Fisheries and Aquatic Resources

In the Philippines, big fishing boat operators have exploited the country's major fishing grounds since the end of World War II to the detriment of small-scale fishermen by the use of two kinds of fishing gear, trawl and seine. This prompted the government to ban the operation of the commercial trawl and purse seine within a distance of 7 km from the shoreline of all coastal provinces of the Philippines.

Fishing vessels of three gross tons (3 GT) or more employing such gear on board are classified as commercial; otherwise they are "baby" trawls or "baby" purse seines usually owned by municipal (small-scale) fishermen.

The trawl has been found the most efficient and is extensively used to catch saltwater species like the shrimps, anchovies, roundscads and other demersal (or bottom-dwelling) fish. Purse seining, however, has also proven its worth as a most productive method in catching the pelagic (or surface-dwelling) and midwater species like the mackerel, sardines and tuna. It works on the simple principle of surrounding a school of fish with a great wall of netting and then pulling the bottom together so none may escape.

So efficient are these gears that when used by big fishing vessels in municipal waters (waters usually reserved for small-scale fishermen), the small-scale fishermen justly complain they could hardly find anything left from the erstwhile teeming waters. The classic struggle between the big-time operators and the "survival" fishermen is once again set in motion, with the municipal waters as the theater of action.

That the government took cognizance of the plight of the less privileged fishermen is seen from the series of laws and implementing regulations promulgated in season. Suspecting commercial trawlers to be the culprit, Republic Act No. 3048 was passed on 17 June 1961, declaring illegal their operation in fishing areas seven fathoms deep or less, but permitting "baby" trawls to fish therein except in places four fathoms deep or less, conformably with an ordinance duly approved by the former Secretary of Agriculture and Natural Resources. The same provision is reiterated in the "Fisheries Decree of 1975" (Presidential Decree No. 704), promulgated on 16 May 1975. Presidential Decree No. 1015 of 22 September 1976 in amending PD No. 704, however, altered the restriction on commercial trawling from the depth of seven fathoms deep to seven kilometers distance from the shore, if public interest so warrants or the ecology of the marine resources may be impaired.

Heeding the public clamor, the Minister of Natural Resources thereafter issued the following fisheries administrative

orders (FAOs) pursuant to PD 1015, establishing a five-year closed season period for the operation of commercial trawl and purse seine within a distance of seven kilometers from the shoreline of the following provinces:

FAO 130, dated 30 March 1981, for Bohol province;

FAO 131, dated 13 April 1981, for the province of Cebu;

FAO 132, dated 15 May 1981, for Negros Oriental;

FAO 134, dated 20 May 1981, in Quezon province;

FAO 137, dated 23 March 1982, for Palawan and

FAO 142, dated 29 April 1983, for Batangas province.

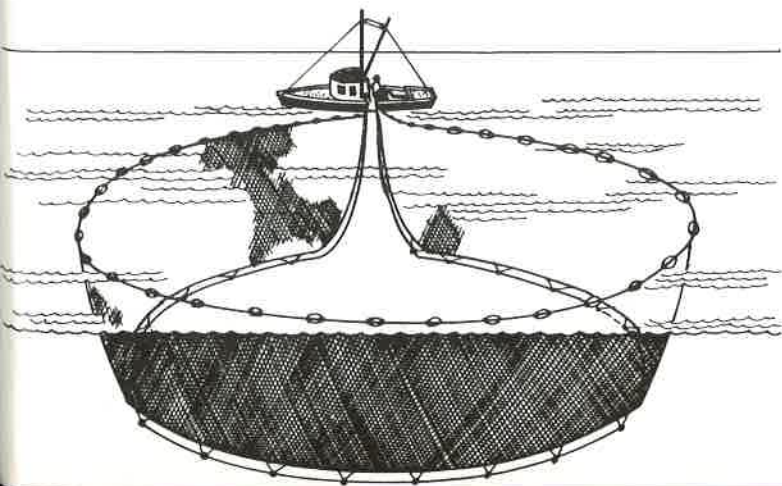
Letters of instructions were also issued by the President to this effect for the following provinces:

1. LOI 480 dated 16 November 1976 for the provinces of Northern Leyte, Southern Leyte, Northern Samar, Eastern Samar and Sorsogon;

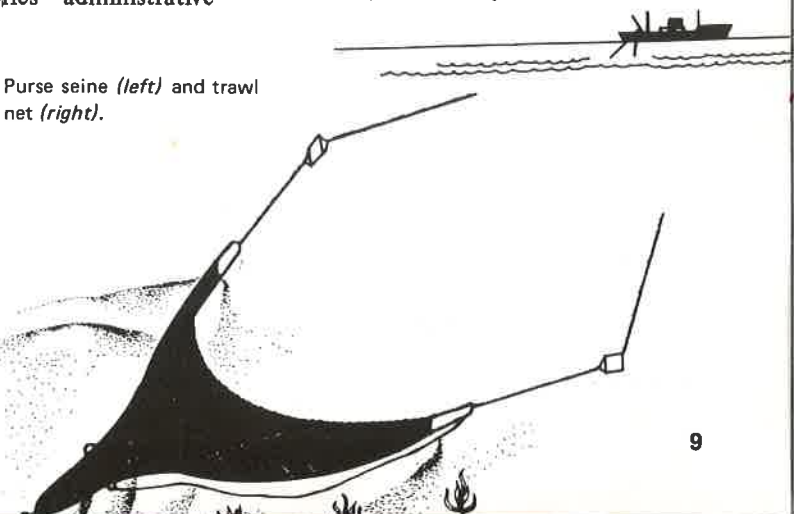
2. LOI 1165 dated 28 September 1981 for the Manila Bay area covering the provinces of Cavite, Bulacan, Bataan and Metropolitan Manila; and

3. LOI 1269 dated 11 September 1982 expanding the coverage of LOI 480 to include the provinces of Masbate, Catanduanes, Albay, Camarines Sur and Camarines Norte.

The foregoing insuances were done on a piecemeal basis. LOI 1328 promulgated on 25 May 1983, however, made the ban nationwide, i.e., to cover all the coastal provinces of the Philippines, provided that in areas seven fathoms deep or more not reached by sustenance fishermen, commercial trawl and purse seine operations may be allowed by the Minister of Natural Resources (now of Agriculture and Food), but only after such areas



Purse seine (left) and trawl net (right).



have been defined and designated by the Bureau of Fisheries and Aquatic Resources on a yearly or seasonal basis, with the following rationale:

"There is an urgent need to improve the standard of living in the rural fishing communities of the country, to protect municipal fishery resources against the heavy exploitation of fish and aquatic resources in the entire marine water areas of all the provinces of the Philippines, to provide municipal and small-scale fishermen a wider area within which to operate fishing boats of three (3) gross tons or less, and to increase their catch per unit effort."

The thorough and effective implementation of this Order is left to the care of the Ministry of Agriculture and Food, the Ministry of National Defense and the Bureau of Fisheries and Aquatic Resources. The National Defense Ministry may deputize municipal mayors and barangay captains (grassroots political leaders) who have undergone proper orientation and training in the strict enforcement thereof and related fishery laws and regulations.

Due to increasing operation and fuel costs, big fishing boat operators voiced out their dissent against fishing beyond seven kilometers from the shore. The ever-worsening economic situation makes the additional burden for them both ludicrous and exasperating. Either they put up or fold up the business, and they might just do that.

To be objective about it, there is, therefore, a need to look closely at some cold hard facts from relevant statistics as shown in the table.

It can be noted from the table that there has been a steady increase in the number of commercial trawlers and purse seiners over the years. It is also interesting to note that purse seiners, although constituting only half the number of trawlers, produce more and this can be attributed to the utilization of the "payao", an indigenous fish-luring device.

Consequently, the steady growth in the number of commercial trawlers and purse seiners, despite some slumps, is an indication of the profitability of the business even with the imposition of these regulations; otherwise, they would have declined. The sporadic slumps in the registration and production should rather be interpreted under the light of economics dictated by the oil crunch

Comparative trawl and purse seine production and number of trawlers and purse seiners, 1972-1983.

Year	Number of trawlers	Number of purse seiners	Trawl production in tonnes	Purse seine production in tonnes	Issuances promulgated
1972	690	319	143,961	148,454	
1973	794	470	152,766	232,587	
1974	767	280	187,141	204,940	
1975	760	313	239,593	168,215	PD 704
1976	786	342	206,205	211,417	PD 1015; LOI 480
1977	684	280	204,468	190,607	
1978	769	328	209,550	137,058	
1979	877	408	176,739	174,029	
1980	848	412	164,287	163,153	
1981	739	450	151,674	168,918	FAOs 130, 131, 132 and 134 and LOI 1165
1982	829	486	151,837	198,178	LOI 1269; FAO 137
1983	932	404	152,106	212,979	LOI 1328; FAO 142

and the lurking pessimism of operators who anticipate difficulties instead of welcoming the regulations as necessary opportunities. The renewal in registration strength of commercial trawlers and purse seiners and their production in subsequent years indicates a healthy climate for the business and their practical adaptation to the situation after initially chafing under the yoke of the regulations. But definitely the use of the "payao" as an accessory to the purse seine contributed largely to its increase in production.

The sea within three miles from the shoreline has always been the country's municipal waters. Recent promulgations, however, reserved exclusively for the municipal fishermen 7 km (or 3.78 nautical miles) from the shoreline or a gain of 0.78 nautical miles, to the exclusion of commercial trawlers and purse seiners therefrom. The move only gave to the municipal fishermen what rightfully belongs to them plus a measly 0.78 nautical mile to their fishing area. The commercial fishing sector's loss, however, was compensated by the expansion of their own fishing grounds from 7-12 miles to 7-200 nautical miles from the shoreline, more than making up for the insignificant 0.78 nautical miles they lost to the small-scale fishermen, upon the declaration of the Philippine 200-mile Exclusive Economic Zone (EEZ) by Presidential Decree No. 1599 on 17 June 1978.

The Philippines being a Third World country is much in need of whatever possible earnings, such as those promised by the business of big fishing boat operators. But where the government is pushed to choose between their lucre and public interest, it is indeed gratifying to see the administrators casting a favorable eye upon the teeming poor fishermen trying to eke out a bare existence from the mere pittance of the sea. This decision anchors on the principle that "those who have less in life should have more in law."

Whether the 7-km ban for commercial trawlers and purse seiners will be a boon or a bane to the fishing industry still remains to be seen as the nationwide regulation is only two years old. It is expected, however, that ultimately this presidential prohibition will redound to the benefit of the "survival" fishermen thereby resulting in their equal sharing in the bounty of our sea.*

*Since this article was written (March 1985), the Federation of Fishing Associations in the Philippines recorded the following in their Fishery Bulletin of March 1985:

"Opposition to [the 7-km] ban was withdrawn in solidarity with the leadership of Minister Escudero on efforts to alleviate the plight of sustenance fishermen and in view of unrest caused by economic realignment in many other sectors. Strict implementation of LOI 1328 will be undertaken to prevent boats more than 3 GT from catching in waters within 7 kilometers thus depriving sustenance fishermen of their rightful harvests."